
OLR Bill Analysis

sSB 952 (as amended by House “A” and “C”)*

AN ACT CONCERNING THE RIGHTS AND RESPONSIBILITIES OF LANDLORDS AND TENANTS REGARDING BED BUG INFESTATION.

SUMMARY:

This bill establishes a framework for identifying and treating bed bug infestations in residential rental properties. It sets separate duties and responsibilities for landlords and tenants, including notice, inspection, and treatment requirements. It also gives tenants remedies when landlords fail to comply with their duties and responsibilities.

The bill requires landlords to hire and pay for a pest control agent to treat bed bug infestations if they are unable to successfully treat the infestation on their own. However, it makes tenants financially responsible for subsequent treatment costs of their unit if they knowingly and unreasonably fail to comply with treatment measures. It also prohibits landlords from renting units that they know or suspect are infested with bed bugs.

The bill requires the Connecticut Agricultural Experiment Station, in consultation with the departments of Public Health and Energy and Environmental Protection (DEEP), within available appropriations, to develop and publish guidelines on effective and least burdensome methods of investigating and treating bed bug infestations.

The bill makes technical and conforming changes to the statute allowing tenants to enforce a landlord’s duties (CGS § 47a-14h).

*House Amendment “A” specifies that a landlord’s rights and duties, as they relate to contiguous units, only apply if the landlord owns, leases, or subleases the contiguous units.

*House Amendment “C” (1) permits landlords to attempt to treat

infestations themselves, (2) removes provisions granting landlords specific remedies, (3) narrows tenants' remedies, and (4) allows entry into a tenant's unit for treatment and inspection purposes if the landlord gives the tenant 24 hours' written notice.

EFFECTIVE DATE: October 1, 2013

DEFINITIONS

The bill defines "certified applicator" as an individual who is certified by DEEP to apply pesticides. A "pest control agent" is a (1) certified applicator or (2) person otherwise specially licensed or qualified to treat bed bug infestations. "Bed bug detection team" means a scent detection canine team that holds a current, independent, third-party certification in accordance with the standards set by the National Pest Management Association. "Qualified inspector" is a (1) certified applicator, (2) local health department official, or (3) bed bug detection team. "Bed bug" refers to the species *Cimex lectularius*, the common bed bug.

LANDLORD'S DUTIES

By law, landlords must comply with building and housing codes materially affecting health and safety and keep units in fit and habitable condition (CGS § 47a-7).

Under the bill, landlords must:

1. pay for the inspection and treatment of a bed bug infestation;
2. have the unit and contiguous units owned, leased, or subleased by the landlord ("adjacent units") inspected by a qualified inspector within five business days of receiving notice from a tenant that his or her unit may be infested;
3. take reasonable measures to treat the infestation within five business days of the inspection, including treating adjacent units;
4. within five days after treating the infestation him or herself, have

a qualified inspector inspect the unit and provide certification that the unit is not infested;

5. hire a pest control agent within five business days after a qualified inspector's determination that self-treatment was not effective;
6. provide 24 hours' written notice to a tenant before entering a unit for bed bug inspection or control purposes;
7. offer assistance to tenants who cannot comply with treatment procedures, for which they may charge a reasonable amount;
8. offer reasonable accommodations to people with disabilities;
9. refrain from offering a unit for rent if they know or suspect it is infested;
10. disclose to prospective tenants whether the rental unit or an adjacent unit are currently infested or have been treated for bed bugs in the past 60 days; and
11. upon request from a current or prospective tenant, disclose the last date when the rental unit was inspected for bed bugs and found free of infestation.

TENANT'S DUTIES

Under the bill, tenants must:

1. promptly notify their landlord, orally or in writing, when they know or suspect their unit is infested with bed bugs;
2. cover the costs associated with preparing the unit for inspection and treatment;
3. comply with reasonable measures to eliminate and control the infestation, or pay for additional costs arising from noncompliance; and
4. refrain from moving infested material from their unit until

treatment is complete or the landlord gives them permission to do so.

INSPECTIONS

Landlords, qualified inspectors, and pest control agents must provide 24 hours' written notice of their intent to enter a unit for inspection or treatment purposes. If such notice is given, entry is permitted even if the tenant does not consent.

During an initial inspection, qualified inspectors may visually or manually inspect only a tenant's bedding and upholstered furniture. However, they may inspect other items, including personal belongings, when they deem it necessary and reasonable, if they find bed bugs in the unit or in an adjacent unit.

FINANCIAL RESPONSIBILITY

The bill requires landlords to pay to treat bed bug infestations. Tenants are responsible for preparing the unit for treatment (e.g., moving or covering furniture). The bill does not modify state or federal duties regarding reasonable accommodations for people with disabilities.

The bill requires landlords to assist tenants who cannot comply with their duty to prepare their unit. If landlords disclose the cost of assistance, they may charge tenants a reasonable amount for the assistance and set a repayment schedule of up to six months, unless both parties agree to an extension. Under the bill, even if the tenant does not agree to the charges or repayment schedule, the landlord must treat the unit. Landlords may not institute eviction proceedings against tenants solely because they fail to make an agreed upon payment, but they may deduct the amount owed from tenants' security deposits at the end of the tenancy.

Landlords are not responsible for (1) providing tenants with alternative accommodations during treatment or (2) replacing tenants' personal property. Tenants who unreasonably fail to comply with treatment procedures may be held financially responsible for the cost

of additional treatments of their unit.

REMEDIES

In addition to the remedies identified in the bill, aggrieved landlords and tenants may pursue any other remedies available in law or equity. The bill does not restrict the authority of state or local housing or health code enforcement agencies.

Tenant's Remedies

The bill makes it a rebuttable presumption that landlords breach their duty to comply with building and housing codes materially affecting health and safety and keep units in fit and habitable condition when the statutory bed bug infestation procedure is not followed (CGS § 47a-7(a)(1-2)). The bill allows tenants to (1) ask a court to provide relief, including rent abatement or an order to comply, or (2) terminate the rental agreement (CGS §§ 47a-12, 47a-14h).

The bill also creates a rebuttable presumption that a tenant is being retaliated against if a landlord starts eviction proceedings within six months after a tenant asserted his or her rights under the bill, unless the tenant (1) before asserting his or her rights, was served with a notice to quit possession or occupancy; (2) caused substantial damage to the unit; or (3) is behind in rent payments. The bill does not alter landlords' statutory retaliation defenses (CGS § 47a-20a).

COMMITTEE ACTION

Housing Committee

Joint Favorable Substitute

Yea 10 Nay 0 (03/14/2013)

Public Health Committee

Joint Favorable

Yea 24 Nay 1 (04/16/2013)

Environment Committee

Joint Favorable

Yea 19 Nay 7 (05/02/2013)

Judiciary Committee

Joint Favorable

Yea 25 Nay 8 (05/23/2013)